

REMARKS

Specification:

Claim 1 has been amended. Thus, it is requested that the objection to the specification be withdrawn.

Claim Rejections 35 USC § 112:

The original specification supports the limitations in independent claims 1, 11 and 21. For example, Figures 7 and 8 clearly show the personal digital assistant (PDA) being mounted on the cart. Thus, the carts are enabled to communicate with one another through the network. Additional support may be found elsewhere in the specification, including the original claims. Thus, a reconsideration of the § 112 rejection is respectfully requested.

Claim Rejections 35 USC § 103:

Independent claims 1, 11 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Komatsu (U.S. Patent No. 5,646,616) in view of Kobayashi (JP 02001306719A).

Claim 1 calls for enabling carts to communicate with one another through a network whereas claims 11 and 21 call for enabling carts to exchange information among the carts (claim 11) or between themselves (claim 21) through the network. The Examiner concedes that Komatsu does not teach enabling carts to exchange information among the carts through the network. See, Paper No. 15 at page 3. It is respectfully submitted that Kobayashi does not teach this limitation either. For example, Kobayashi is directed toward gaining information about a sport and/or its players while a person is attending a sporting event. See the Abstract; paragraph [0028]. To do this, a PDA with a short distance radio interface is employed. *Id.* There is no mention of PDA's in association with shopping carts in Kobayashi. Thus, Kobayashi does not teach enabling carts to communicate with one another or exchange information through the network. For at least this reason, the rejection should be withdrawn.

Further, the Examiner has not shown a motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant as is required to establish obviousness. *In re Kotzab*, 217 F.3d 1365 (Fed. Cir. 2000). Toward this end, particular findings and not mere conclusory statements must be made. *Id.* The Examiner states "it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a well-known PDA devices to exchange information within the facility through LAN network as suggested by Kobayashi, because the PDA device is small in size which can be easy to carry around with the user." See Paper No. 15, page 3. It is respectfully urged that Kobayashi's use of PDA's at a sporting event is not suggestive of wirelessly linking a plurality of shopping carts within a retail facility and enabling the carts to communicate with one another or exchange information. The Examiner merely concludes this is so. Further, the Examiner concludes the combination would be made because PDA's are small. However, the Examiner has not provided any evidence or particular findings to support the conclusions made. Thus, there is no motivation, suggestion or teaching of the desirability of wirelessly linking a plurality of shopping carts within a retail facility through a local area network based in the retail facility, and enabling the carts to communicate with one another, or exchange information among the carts or between themselves through the network. Quite simply, the Examiner has failed to meet the required burden. As such, a *prima facie* case of obviousness has not been established. A reconsideration of the rejection is respectfully requested.

Claims 5-7, 17-19 and 24-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Komatsu in view of Kobayashi and claims 4, 12-16, 22-23 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Komatsu in view of Jelen et al. (U.S. Patent No. 6,119,935). It is respectfully submitted that because independent claims 1, 11 and 21 are not obvious, the claims depending therefrom are also patentable over the cited art. Accordingly, a reconsideration of the rejection is respectfully requested.

The application is believed to now be in condition for allowance and the Examiner's prompt attention in accordance therewith is respectfully requested.

Respectfully submitted,



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PATENT TRADEMARK OFFICE

Rhonda L. Sheldon, Reg. No. 50,457
TROP, PRUNER & HU, P.C.
8554 Katy Freeway, Suite 100
Houston, Texas 77024
(713) 468-8880 [Phone]
(713) 468-8883 [Fax]